IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Tr.P(Crl.).No. 90 of 2007()

(C.C.NO.384/2006 PENDING BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA TO TRANSFER TO CHIEF JUDICIAL MAGISTRATE, ERNAKULAM)

PETITIONER: 1ST ACCUSED:

K.K.SASIDHARAN, AGED 57 YEARS,
S/O. KUMARAN, KANNAMKERIL, ADARSH NAGAR,
C.S.E.Z. P.O., KAKKANADU, KOCHI-37.

BY ADV. SRI.K.K.BABU

RESPONDENTS: ACCUSED NO.2 AND 3 AND STATE:

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1. THANKAMANI AMMA, AGED 55 YEARS, W/O. RADHAKRISHNAN, ANJUVILA VEEDU, EDAPPILLY VILLAGE, PALARIVATTOM, ERNAKULAM DISTRICT.

2. KARUNAKARAN, AGED 56 YEARS, S/O. KOCHUKUNJU, MULAKKUTTIYIL VEEDU, THAZHATHU VADAKARA, VELLAVOOR VILLAGE, KOTTAYAM DISTRICT.

3. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P. RAVEENDRA BABU

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

Tr. P. Crl. No. 90 OF 2007

Dated this the 22nd day of November, 2007

O R D E R

Application for transfer. The petitioner-a woman, is the 1st accused in a prosecution for offences punishable, inter alia, under Section 466 IPC. The prosecution is now pending before the learned Chief Judicial Magistrate, Thodupuzha. In this petition, the petitioner prays that the venue of the trial may be shifted to the court of the CJM, Ernakulam to suit the convenience of the petitioner. She is ill and finds it difficult to appear before the court of the CJM, Thodupuzha. If the venue is shifted to the court of the CJM, Ernakulam, it will be helpful to the petitioner. The co-accused or the witnesses are not likely to suffer any difficulty on account of such transfer.

2. I am not persuaded to agree that the case deserves to be transferred to suit the convenience of the petitioner. I am satisfied that there can be a direction that the learned Magistrate should not insist on the personal presence of the petitioner on all dates of posting. She shall be permitted to be represented by her counsel on all dates unless her personal presence is inevitable for any specified reasons.

3. With the above observation, this petition is dismissed.

(R.BASANT, JUDGE)

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